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1977

ADMINISTRATION

James Singer  
Assistant Warden  
Treatment

Carl Robinson  
Warden

Alexander Opyulaki  
Assistant Warden  
Operations

# The Weekly Scene

STAFF \*\*\* ADVISORY \*\* BOARD



June 3, 1977



Vol. I

WEEKLY SCENE STAFF

No. 24

EDITOR

Connecticut Correctional Institution  
@ Somers

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HARTFORD,

CONNECTICUT



"Stone walls  
do not a prison make..."

Jeane DeLoach - Vocational Counselor

ADMINISTRATION

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Assistant Warden  
Operations

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The Weekly Scene is a weekly publication produced by the inmates of the Connecticut Correctional Institution @ Somers, Conn. The views expressed herein are intended to be those of the contributors with the supervision of the Staff Advisory Board and do not necessarily reflect those of the prison Administration or the Department of Corrections.

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NOTICE

THE INMATE POPULATION IS ADVISED THAT INMATES ARE PROHIBITED FROM EXCHANGING FOOD OR ANY OTHER ITEMS WITH EACH OTHER WHILE IN THE SERVING LINE. INMATES WHO ENGAGE IN SUCH BEHAVIOR ARE SUBJECT TO DISCIPLINARY ACTION...

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LOS PRESOS ESTAN ABIZADO DES DE AHORRA Y A DEL ANTE, DE NO EXCAMBIER COMIDAS A UNO AL OTRO EN LA FILA DE SERVICIO. EL PRESO QUE ES ENVUELTO EN CAMBIO DE COMIDA ES EN PUSCA DE UN REPORTE DE DISCEPLINA...

Alexander Cybulski  
Assistant Warden - Operations

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PROJECT P/PREP AGENCIES

IF YOU HAVE GONE TO THE PAROLE BOARD AND IF YOU HAVE RECEIVED A PAROLE RELEASE DATE, YOU SHOULD CONTACT THE VOCATIONAL COUNSELOR CONCERNING P/PREP AGENCIES... IF YOU NEED HELP WHEN YOU ARE GETTING OUT, HE WILL CONTACT A P/PREP AGENCY FOR YOU... WHAT DO P/PREP AGENCIES DO??? P/PREP AGENCIES CAN HELP YOU:

FIND A JOB...

FIND A JOB TRAINING PROGRAM...

FINISH YOUR EDUCATION...

FIND SUITABLE LIVING ARRANGEMENTS...

HOW DO YOU GET THAT HELP??? If you are at the Correctional Center in Somers Contact your counselor. and he will contact the proper agency. Within three (3) weeks you will be visited by a counselor from a P/PREP agency. If any new developments occur prior to your release, contact your P/PREP agency counselor by mail immediately. After the interview, your agency counselor will keep you informed of his or her progress by personal visit or mail. Once you have met with the counselor. if you have any further questions, it is your responsibility to contact them by mail, and tell them about it.

Jesse DeLoach - Voactional Counselor

Picture yourself in the country, or wherever you may desire to be; alone or with someone; working out, or just laying back relaxing listening to music without a care in the world---a picture so complete that there is no need for improvement. Sound good, seem wonderful, is joyful; sure, it's all of those things and more, but there is just one major obstacle---it isn't possible. Now before all of you critics, disagreeers and/or self-proclaimed philosophers start to knock what I'm saying, just give me a chance to make myself clear on exactly what it is that I am trying to put across to you. The picture that I've asked you to contemplate about can be referred to as what one might call "PERFECTION", and as far as I'm concerned, there's no such thing. Therefore, it would be impossible for you to imagine that. When you look up the definition of Perfect, it will state something of this nature: "Without blemish or defect; faultless; complete." Now I'll let you answer your own question; the one that is possibly lying in the thought region of your mind--(why isn't perfection possible to achieve?). Ask yourself the following and I'm sure that you will be able to come up with a legitimate answer: Have you personally ever experienced and/or witnessed what the dictionary defines as Perfect either for yourself or through someone else? I doubt it very serious; there isn't a situation, circumstance, or whatever that existed in the past, exist now, or will ever exist in the future that proved to be or will prove to be Perfect, flawless or immaculate. If one would look close enough and examine something with shrewd scrutiny, he or she would most definitely uncover a trace of imperfection, regardless of the quantity of this imperfection. But when you view that, wouldn't you be inclined to say that the quantity aspect of the item is irrelevant being that perfection is something which is supposed to be complete and any minute form of imperfection will make it incomplete? All that I've just said will more than likely appear to be disappointing or disheartening, but, nevertheless, I consider it to be true. And, if my theory is correct, then it is no longer referred to as a theory, but instead a F A C T! And like all facts, no matter how unpleasant, they have to or should be looked upon and dealt with on a reality basis.

For a complete reversal of the subject, switching from a dirt road to a paved one, I offer you this as a counter to the fact that imperfection does exist. We as humans, are like everything else that makes up our beloved world Imperfect. The amusing thing about it though is that our imperfections are accepted as such. In fact, we are actually expected before hand to be imperfect in some way. This meaning that we have experienced imperfection so much, that we don't know anything else. However, through all of the cloudiness and smog, there is a strong show of light. This light being that which one may encounter during his or hers struggle to reach perfection, although it isn't obtainable---even in the long run.

Well, you say, "how can there be any light upon a road which so apparently cast none?" My answer to that is; "how does one get food to satisfy a hunger craving?" Normally, I wouldn't answer a question with a question but in this instance, I feel that it best suits the purpose. You see, my answering a question with a question forces you, so to speak, into answering not only your original question, but also mine in addition. And right here in the last paragraph that I just put to you can be summed up to tell you what this whole article is about YOU and your getting things done for yourself. YOU going out into an area and answering unsolved questions for yourself. YOU are the one who has to cast a light on a particular situation for which none lies. You may not be able to achieve perfection, but I can certainly guarantee you that you have nothing to lose and everything to gain by striving for it nevertheless. Because you will be striving for something which is positive and if you are moving a positive direction, how can you help but to achieve some good from it. There's no harm done to anyone who desires to venture out and examine that which can very well lead him or her to a very rewarding and happy life. We're locked up sure, but aren't we holding even more of a losing hand if we choose to enslave our minds and keep them locked up like our physical selves? You're damn right we are and I tell you that there is no need for it when we have more opportunities than one may think to expand our thought processes; just look around Y O U !!!!!

HOW LONG IS A LIFE SENTENCE?

WHAT IT'S LIKE IN PRISON

How long is a life sentence? Apparently, forever...

There is a man in this prison, serving a single life sentence, who has been incarcerated by the State of Connecticut since 1937, a period of forty years. In spite of the fact that he was eligible for parole twenty years ago, he is still here.

Had he been convicted of the exact same crime in another state, he would have been released decades ago.

In West Virginia, for example, he would have been eligible for parole thirty-five years ago, and even if denied parole, he would have discharged, yes discharged, twenty-two years ago. (In that state, the penalty for non-capital murder is 5-18 yrs)

Now, ask you Society, is a man four times as guilty (or in this case eight times), merely because of geographical location???

Furthermore, if a jury or court has concluded that a man is not bad enough to be killed outright by execution, Why in God's name do you condemn him to the slower, infinitely more agonizing death of terminal imprisonment? What rational purpose does it serve?

Clearly, a legislative revision of the law is required. If the State of Connecticut is as progressive and humane as it so frequently proclaims to be, there must be a definite end to a life sentence... a discharge date.

Common Decency Demands It...

Edward G. McNally #21001.....



*[Handwritten signature]*

Without one thing to do but write and tell everyone how it is in this place. The officers make count, the defenses relax, the shell opens, and out comes the real thing; the hurting and wanting. You lay there thinking, with emotion boiling inside...always inside, where no one can see.

It's a place where you see men you do not admire, and you wonder if you are like them. A place where you strive to remain civilized. A place where you forget what put you here; you have a vague idea that you are being punished, but you aren't sure for what.

It's a place where you hear about your friends getting divorced, when you did not even know they were married.

It's a place where dreams and laughter are born and die, because they can't be shared with anyone who cares.

It's a place where the flames of love burn in every man. For some it burns brightly and long; for others if flickers and dies.

This is a place where you learn that nobody wants you or needs you, and the outside world goes on just the same without you.

It's a place where you go for years, without the touch of a human hand, the sound of a baby's cry, a dog's bark, a child's laughter, or just a kind, sincere word.

This is the place where you feel sorry for yourself, then you get disgusted with yourself for feeling sorry, and get angry for getting disgusted.

You try changing the subject mentally, but have no success. You then realize just what and where this place is...

Prison of the body... But not of the mind. You alone are capable of enslaving your mind.

Edward 6X Hall.....

# IMPRISONMENT

Judges spend their lives consigning men and women to prison, and when some whisper reaches them that prisons are horrible, and destructive places, they remark calmly that prisons are not meant to be nice or comfortable. But to deter and punish, except that the word Rehabilitation is the word used now, not punish. To know what it means to be a prisoner, how it feels to be confined, the agony of suffering is impossible for a person to know if he has never been imprisoned. The psychological state of complete passivity and dependence on the decisions of guards and officers must be included among the pains of imprisonment along with restrictions of physical liberty, the possession of goods and services and heterosexual relations. The frustrations of the prisoners ability to make choices, and the frequent refusals to provide an explanation for the regulations and commands descending from the bureaucratic staff involve a profound threat to the prisoners self image because they reduce the prisoner to the weak, helpless, dependent status of a child. The imprisoned criminal finds his picture of himself as a self determining individual being destroyed by the regime of the custodians.

The idea of punishment as the law interprets it seems to be whenever a man has offended society, society must officially offend him. It must deliver him a tit for the tat that he committed. This tit must be impulsive retaliation, not mob action. It must be done dispassionately, by agency, by stipulation, and by statute. It must be something that will make the offender sorry (or sorrier) for what he did, and resolve to do it no more. The Constitutional prohibition against "Cruel and Unusual" punishment implies that in some way or other the state must be consistent in means, and something not unexpected. To deprive a man of decent social relationships, decent food, normal friendships, and sexual relations, and constructive communication is not-----in the eyes of the law, Cruel or Unusual. Neither is the labor which is extracted from the inmate which more often than not is disagreeable, monotonous, menial, and often pointless, cruel or unusual, and at times used as another form of punishment.

Monuments to stupidity are these institutions we have built. Stupidity not so much of the inmates, as of the free citizens. What a mockery of sciences our prison discipline, our amassing of iniquity in prisons. The good and the bad together in one big stone cave. How silly of us to think that we can prepare men for social life by reversing the ordinary process of socialization. Repressive regimentation of men who are in prison because they need to learn how to exercise their activities in constructive ways, outward conformity to rules which repress all efforts at constructive expression, work without the operation of economic motives. Motivation by fear of punishment rather than hope of rewards on appeal to higher motives, cringing rather than growth in manliness. When all offenders early learn to present a steadfast attitude of hostility, where men live in an atmosphere of complete monotony, futility, hate, and loneliness, while time grinds by, and operated by a society that claims it cares!

By: Kim Kulich

# IMPRISONMENT

## SOCIETY AND ITS OFFENDERS

BY: KIM KULICH

WITH THE CURRENT PUBLIC ATTITUDES TOWARDS PRISONS, AND PRISONERS, AND THE UNDESIRABILITY OF CRIMINAL BEHAVIOR, IT SEEMS DOUBTFUL THAT REHABILITATION AND THE LOWERING OF THE CRIME RATE CAN BE EVER ACCOMPLISHED. SOCIETY AT LARGE MUST FIRST ACCEPT THE RESPONSIBILITY TO TREAT THE CRIMINALS IN A MANNER WHICH THERE IS HOPE FOR CHANGING BEHAVIOR, AND TO PROVIDE PROPER ENVIRONMENTS FOR THE PREVENTION OF CRIME. IF SOCIETY DOES NOT CARE TO PROVIDE THE NECESSARY RESOURCES TO ACCOMPLISH THESE FUNCTIONS, THEN THE PLANS MADE BY THE BEST MINDS IN GOVERNMENT FOR LESSENING THE CRIME RATE ARE UNREALISTIC.

THE GENERAL PROFFESSED GOAL OF CORRECTIONS IS TO PROTECT SOCIETY BY PREPARING MEN AND WOMEN AS RAPIDLY AND ECONOMICALLY AS POSSIBLE TO BECOME USEFUL, LAW ABIDING, SELF SUPPORTING, SELF SUFFICIENT, INDEPENDANT CITIZENS, NOT TAX BURDEN PERSONS, MEN AND WOMEN WHO WILL OBEY THE LAW BECAUSE THEY WANT TO, NOT BECAUSE THEY ARE AFRAID NOT TO.

HOWEVER, THESE OBJECTIVE ARE NOT BEING ATTAINED. THE DEPARTMENT OF CORRECTION ARE HANDICAPPED BY SOCIETY THAT DOES NOT SUPPLY THE NECESSAR RESOURCES NECESSARY TO REHABILITATE THE CRIMINAL. THE WAY IT SEEMS NOW IS, MEMBERS OF SOCIETY SIMPLY DO NOT UNDERSTAND WHAT THEY WANT DONE WITH VIOLATORS OF RULES AND REGULATIONS. TREATMENT PROCEDURES ARE VERY OFTEN UNRELATED TO THE OBJECTIVE OF REHABILITATION.

THE CONFUSION AND INCONSISTENCY, LACK OF TESTED KNOWLEDGE, AND VACILLATION IN IMPLEMENTING OBJECTIVES ARE ALL FACTORS WHICH CHARACTERIZE THE MANAGEMENT OF CONVICTED LAW VIOLATORS. SOCIETY YELLS SO LOUD, THE WORD

REHABILITATION.....YET ALL THEY OFFER IS PROGRAM AFTER PROGRAM, PROGRAMS THAT DO NO MEAN A THING TO THE AVERAGE OFFENDER, BUT ARE THE PROGRAMS BY THEMSELVES ENOUGH? WHAT ELSE CAN SOCIETY REALLY DO TO HELP THE OFFENDER? UP TO NOW SOCIETY HAS NOT CARED ENOUGH ABOUT THE PRISONER IN WHICH THEY HAVE TO SUPPORT BY TAX DOLLARS YEAR AFTER YEAR.

THE GENERAL PUBLIC CONSIDERS A CRIMINAL AS AN UNDESIRABLE PERSON WHO CANNOT BECOME MORE DESIRABLE. IN SHORT, MOST MEMBERS OF SOCIETY HAVE A STEROTYPE OR EXAGGERATED BELIEF ASSOCIATED WITH THE WORD CRIMINAL. THEY BELIEVE THAT ANYONE BRANDED WITH THE WORD CRIMINAL MUST BE EXPECTE TO HAVE CERTAIN TRAITS EVEN THOUGH THERE MAY BE CONTRIDICTORY EVIDENCE AVAILABLE. SINCE STEROTYPES AID PEOPLE IN SIMPLIFYING THEIR THINKING AND JUSTIFYING THEIR HOSTILITIES ABOUT OTHERS, THEY ARE DIFFICULT TO MODIFY. BUT STEROTYPES CAN AND DO CHANGE IN TIME. AND THEIR IS REASON TO BELIEVE THAT THE COMMON STEROTYPES OF A CRIMINAL IS CHANGING. PARTICULARLY THE CONCEPTS THAT CONVICTS ARE "BORN BAD" AND THAT THEY ARE "TOUGH", "UNCHANGEABLE" AND "ANIMALS" ARE GIVING WAY. AND THIS IS GOOD, BUT STILL, WHEN WILL SOCIETY REALLY CONCERN THEMSELVES WITH THE OFFENSE PROBLEMS? INSTEAD OF JUST PUTTING THE OFFENDER IN PRISON, WITH HOPES, THERE WILL BE A CHANGE IN HIS SOCIAL BEHAVIOR UPON RELEASE.

# REDIRECTION IS THE ANSWER

By: KIM KULICH

REHABILITATING AND CORRECTING SOCIAL DEVIANT BEHAVIOR IN THOSE INDIVIDUALS THAT DISPLAY IT IS A VERY INVOLVED AND DIFFICULT PROCESS. WHEN INSTITUTIONS BEGAN IN THE U.S. THEIR PURPOSE WAS FOR REPENTANCE ALONE. THE QUAKERS FELT THAT PUTTING AN INDIVIDUAL IN SOLITARY CONFINEMENT WITH ONLY A BIBLE FOR COMPANIONSHIP WOULD DETER THAT INDIVIDUAL FROM COMMITTING ANOTHER UNLAWFUL ACT. THEY ASSUMED THAT HAVING DIGESTED THE BIBLE FOR A NUMBER OF YEARS THE INDIVIDUAL WOULD AUTOMATICALLY BECOME AN UPSTANDING CITIZEN. THIS PROVED TO BE INEFFECTIVE MEANS OF CURBING CRIME. THEN PUNISHMENT WAS INACTED AS THE ANSWER TO COMBAT CRIME, THAT ALSO PROVED INEFFECTIVE AS A DETERIENT EVEN THOUGH IT STILL EXISTS IN A NUMBER OF PRISONS, USUALLY OUT OF PURE FRUSTRATION OR BECAUSE OF THE LACK OF INTELLIGENCE ON THE PART OF THE PRISON ADMINISTRATORS. NOW REHABILITATION IS THE IN THING, SOMETIMES ITS DIFFICULT TO JUSTIFY ITS EXISTENCE TO THE PUBLIC BECAUSE OF ITS OBVIOUS LACK OF SUCCESS. INSTEAD OF EXISTING IN A PRISON ENVIRONMENT ON A PURE PHYSICAL LEVEL, THE PENALOGIST HAVING CURBED THE PHYSICAL BRUTALITY TO A DEGREE EXPECT THAT ATTACKING THE MIND IS THE ANSWER. THEY NOW HOPE TO MAKE DEPENDENT ROBOTS OUT OF MEN, ITS EFFECTIVE FOR MAINTAINING ORDER IN PRISONS BUT ITS NOT VERY BENEFICIAL FOR THE INDIVIDUAL WHEN HE RETURNS TO THE STREET. THE JOKE IS, THE JUSTICE SYSTEM AND THE PRISON ADMINISTRATORS AREN'T VERY CONCERNED WITH THE EFFECTIVENESS OF PENAL INSTITUTIONS, THEY WOULDN'T WANT TO BE TOO SUCCESSFUL AND PUT THEM SELVES OUT OF A SWEET JOB.

THE ANSWER TO THE PROBLEM IS REDIRECTING THE OFFENDERS. A COMMUNICATION GAP BETWEEN STRAIGHT PEOPLE AND OFFENDERS IS ALWAYS PRESENT. ITS NOT REALISTIC TO CONSIDER IT POSSIBLE TO CRAM SOCIETIES NORMS, SANCTIONS AND VALUES DOWN AND OFFENDERS THROAT, BECAUSE HE HAS NEVER FOUND THEM BENEFICIAL FOR HIMSELF. MOST OFFENDERS ARE AWARE OF THE MANY INCONSISTENCIES AND DOUBLE STANDARDS THAT EXIST IN AMERICAN SOCIETY, RICH, POOR BLACK AND WHITE ETC. THOSE SOCIAL DEVIANT THOUGHTS WILL ALWAYS BE LURK IN THE BACK OF AN OFFENDERS MIND, NOTHING IS MORE EXPEDIENT THAN TAKING WHAT YOU WANT, IMMEDIATE GRATIFICATION CAN BE PRETTY SWEET. ALL ANYONE CAN HOPE TO ACCOMPLISH IS REDIRECTING THAT ENDLESS ENERGY INTO A POSITIVE DIRECTION. INSTEAD OF PLACING SO MUCH EMPHASIS ON ORDERLY RUN PRISONS, MORE EFFORT SHOULD BE DIRECTED TOWARDS MENTAL HEALTH, GETTING THE INDIVIDUAL IN TOUCH WITH HIMSELF AND HIS FEELINGS. THE FAMILIES OF THE OFFENDER AND MAYBE EVEN HIS VICTIMS COULD BE INSTRUMENTAL IN ENLIGHTENING HIM OF THE EFFECT OF HIS ACTIONS ON OTHER PEOPLE. A CRIME IS USUALLY A PRETTY IMPERSONAL ACT, SO RARELY DOES ANY REMORSEFUL FEELINGS RESULT FROM IT. IT WOULD MAKE A DIFFERENCE IF THE OFFENDER WAS ABLE TO HAVE GROUP SESSIONS WITH HIS VICTIMS, HIS FAMILY AND A PROFESSIONAL. CONCERN FOR OTHER PEOPLES RIGHT WOULD ELIMINATE MOST CRIME. COMPASSION AND RESPECT FOR OTHERS RIGHTS COULD DEVELOP FROM THESE GROUP INTERACTIONS.

MOST PENAL INSTITUTIONS SHOULD BE CLOSED, DENYING MAN THE COMPANY OF A FEMALE AND VISA VERSA IS JUST ANOTHER FORM OF PUNISHMENT. THE MAJOR EMPHASIS SHOULD BE PLACED ON COMMUNITY RELEASE PROGRAMS, THE MAN SHOULD LIVE IN THE ENVIRONMENT THAT HE HAD DIFFICULTY INTERACTING IN. VOCATIONAL AND EDUCATIONAL PROGRAMS CAN EASILY ALTER A PERSONS LIFE STYLE. WITH THESE VARIOUS TOOLS A PERSON CAN VISUALIZE MEANINGFUL GOALS IN LIFE, AND DISCOVER HOW REWARDING IT CAN BE TO ACCOMPLISH ONES GOALS. THE OFFENDER CAN LEARN TO MEET SOCIETY ON EQUAL TERMS WITH HIS NEWLY ACQUIRED SKILLS. ALSO THE INSIGHT HE HAS GAINED THROUGH THE VARIOUS KINDS OF GROUP THERAPY WILL HAVE HIM IN TOUCH WITH HIMSELF. HAVING THE KNOWLEDGE OF HOW SOCIAL WORKS CAN ALLOW ANYONE TO ANTICIPATE WHAT TO EXPECT.

POLICE PRIOR KNOWLEDGE OF ILLEGAL  
PRIVATE SEARCH DIDN'T TRIGGER FOURTH

Suppression of evidence unwarranted  
in absence of government instigation  
or encouragement of private party.

A defendant seeking to suppress evidence seized as the result of an unlawful entry by a private party must, the U.S. District Court for Nebraska says, show more than mere governmental knowledge of or acquiescence in the entry. Instead, the Fourth Amendment exclusionary rule applies only "When the government has in some manner instigated or encouraged the search". Finding no evidence of such involvement in the case before it, the court rejects the habeas corpus petition of a Nebraska defendant convicted on stolen property charges.

The petitioner relied on language from two fifth Circuit cases, U.S. v Mekjian, 505 F. 2d 1320, and U.S. v. Clegg, 509 F 2d 605, 16 Cr1 2539, in arguing that police knowledge and acquiescence are sufficient in themselves to trigger the Fourth Amendment. But the U.S. Supreme Court has made clear in another context that the "true significance" of a state's involvement in private action can be determined only after evaluating the totality of the circumstances. Moose Lodge No. 107 v. Irvis, 407 U.S. 1630.

The court also finds useful those cases which attach importance to whether the private party acted purely in the government's interest or for reasons of his own. (Gundlach v. Janing, 10/13/75).

Digest of Opinion: Harold Cheesman, a parts manager for an airplane supply company, was told by the landlady of an apartment complex that she was suspicious of items in a garage rented to the defendant. She gave him permission to check the garage. Before checking, Cheesman talked to police officers; they told him that they would not act without a criminal complaint and suggested that he should establish that there was property missing from his inventory. He was also told that if he found something he should report back to the police. Cheesman then checked the garage and reported back. At that time he did not definitely know if his company was missing any items. Warrants were later obtained and items from two companies were found in two garages rented to the defendant.

Gundlach contends that the fruits of Cheesman's search, the two subsequent police searches, were inadmissible under Wong Sun v. U.S., 371 U.S. 471. His theory is that the police had knowledge that Cheesman might make an unlawful entry of the premises and, having refrained from deterring him, in effect participated in his unlawful search. After reviewing certain testimony, the court finds that the police knew in advance that Cheesman might make an unlawful entry and took no steps to deter him. Moreover, they utilized the information he gained in his unlawful entry to obtain search warrants.

In Burdeau v. McDowell, 256 U.S. 465, the Supreme Court ruled that the use in a criminal prosecution of personal papers stolen from the accused by a private individual did not violate the defendant's Fourth Amendment rights when the government was in no way involved in the theft. This holding has never been overruled.

Cases deeming private searches to be governed by the Fourth Amendment have usually involved searches conducted under the active supervision of state or federal authorities. Gundlach asks this court to extend these cases to police inaction in failing to advise Cheesman that he could not legally enter the garage. He relies upon U.S. v. Mekjian, in which the Fifth Circuit stated as follows: "If government officials were aware, or should have been aware, that Mrs Jones was removing and copying records for their use, they will not be permitted to stand by or blink their eyes and accept the benefits of her activities". See also U.S. v. Clegg

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(Text) The Supreme Court has held that the decisive factor in determining whether a search is a government one "is the actuality of a share by a (government) official in the total enterprise of securing and selecting evidence by other than sanctioned means." *Lustig v. U.S.*, 338 U.S. 74, 79 (1949); *U.S. v. Mekjian*, at 1328. As Mr. Justice Clark held in a landmark case discussing state responsibility under the equal protection clause of the fourteenth amendment "(o)nly by sifting facts and weighing circumstances can the nonobvious of the State in private conduct be attributed its true significance" *Burton v. Wilmington Parking Authority*, 365 U.S. 715, at 722 (1961). The Court therefore rejects petitioner's argument that governmental knowledge of an illegal search and acquiescence is per se an unreasonable search in violation of the fourth and fourteenth amendments. The decision in this case must depend on the factual circumstances.

The purpose of the exclusionary rule in this type of case is to discourage officials from participating in or encouraging "private" searches which would be illegal if conducted by the government may not accomplish by circuitous means what they themselves cannot properly accomplish.\*\*\*

In determining whether the search in this case is governmental, the Court finds the "airline search" cases to be instructive. In *U.S. v. Wilkerson*, 478 F.2d 813, 13 CrL 2254 (8th Cir. 1973), the Circuit held: "(S)earches of luggage by airline employees are private searches that are invulnerable to fourth amendment attack so long as the searches are conducted by the carrier for its own purpose and without the instigation or participation of government officers" *Id.* at 815.\*\*\*

(See also) *United States v. Cangiano*, 464 F.2d 320, 11 CrL 2341 (2nd Cir.), vacated on other grounds 413 U.S. 913 (1972), remanded 491 F. 2d 905, 14 CrL 2356, cert. denied 418 U.S. 934 (1974)\*\*\*

Although the airport search cases are distinguishable from this case because the airlines act pursuant to their duty to insure that luggage does not present a danger, the cases are appropriate authority for the proposition that the intent of the private person in conducting a search with governmental knowledge that the search might take place is a proper factor for consideration.

In petitioner's appeal to the Nebraska Supreme Court, the court found that "Cheesman was acting in the interests of his employer and not under the direction of the police." 192 Neb. (692) at 695, 224 N.W. 2d (167) at 170.

Under the facts presented in this case, mere knowledge that Cheesman might conduct an illegal private search without taking any deterrent action is insufficient to turn the private search into a governmental one. In determining state action in race discrimination cases, the Supreme Court has placed emphasis on whether the government's action or inaction in any way fostered or encouraged racial discrimination. *Moose Lodge No. 107 v. Irvis*. Similarly, the Court holds that a search conducted by a private party is a governmental search which must comply with the fourth and fourteenth amendments when the government has in some manner instigated or encouraged the search.

(text) There is an additional basis upon which the Court concludes that Cheesman's search did not violate the fourth amendment. The fourth amendment protects the right of the people to be secure against unreasonable searches and seizures. A search conducted by the police in violation of the fourth amendment does not necessitate the conclusion that the same search, if conducted by a private person with the government's knowledge, would also violate the fourth amendment. Clearly the police could not have searched the garage with the landlady's consent absent a search warrant. Cf. *Stoner v. California*, 376 U.S. 483 (1964). However, the Court concludes that the search by Cheesman with prior police knowledge that he might conduct the search was not an unreasonable search in the constitutional sense. The degree of governmental knowledge and participation, as well as the conduct of Cheesman in entering the premises with a key given to him by the landlady for the purpose of viewing the stolen goods, compel the Court's conclusion that the search was not an unreasonable search in violation of the fourth amendment. (End text) -Denney, J.

(Gundlach v. Janing; USDC Neb, 10/13/75

If god exist, why has he allowed so many terrible things to happen to people throughout History ? If He really cares about us, why does He permit wickedness and suffering to continue ?

Thinking persons everywhere ask those questions. And with good reason, because for centuries the human family has suffered so much from horrible Wars, food shortages, poverty, crime and disease. Injustice and oppression have caused a great amount of grief also. So have calamities such as floods and earthquakes. Quite often, innocent people suffer through no fault of their own. Is all this proof that God doesn't care about what happens to us ? Is there any genuine hope for a better world, a world where we can really enjoy life on earth to the full, free from all of these troubles ?

Such questions demand truthful, satisfying answers. But it isn't truthful or satisfying, to be told, " It is God's will for us to suffer" or, " These are things that we cannot understand." If God created the awesome Universe of such marvelous order, surely He must have a good reason for allowing humans to get so disorderly. And would such a creator not care enough about His own human creation to tell us why He has permitted wickedness ? Would it not make sense for Him to correct these bad conditions in do time if He has the power to do so ? Any Loving father would do that for his children if he could. Certainly an All-Powerful, All-Wise, Loving creator would not do less for His own earthly children.

Who can best answer the questions about God's permission of wickedness ? Well, if you were charged with some fault, would you want people to listen to only what others said about it ? Or would you want to speak for yourself to clear up the matter in the mind of anyone who sincerely wanted to know ? It is God who is held to be at fault for allowing wickedness. Since He best knows why He permits it, would it not be fair to let Him speak for Himself ? Looking to humans for answers can never be satisfying, since so often they have conflicting ideas about these matters.

Where does God provide the answers ? There is only one source that the Creator claims to have authorized to tell us what happened and why. That source is the Bible, which states " All Scripture is inspired of God." (2 Timothy 3:16) This should not be surprising, because if God had the power to create the amazing Universe, surely He could become the author of a book. More humans can project voices and ideas, even pictures, out over invisible airwaves to your radio and television set. So it wouldn't be any great task for the Almighty Creator to project His thoughts to faithful human writers and to see to it that they put these down correctly. That is why the Apostle Paul could say with confidence; " When you receive God's word, which you heard from us, you accepted it, not as the word of men, but, just as it truthfully is, as the word of God." (1 Thessalonians 2:13)

Perhaps you have never examined the Bible. Yet you may be interested to know that it contains the most complete, dated Historical record in our language. In fact, a first-century historian, like a medical doctor, was able to trace the ancestry of Jesus all the way through four thousand years of history, step by step, nearly down to the first man. Since the Bible goes back to the very beginning of human existence, it can tell us who is the blame for wickedness, why God permitted it, and how it will be remedied; is God to blame ?

If someone else committed a crime, how would you feel if you were blamed for it ? You would consider this very unjust. Justice requires that the guilty be punished and the innocent be free from blame. If an automobile driver ignores a stop sign at a busy intersection and gets into a bad accident as a result, it is not the fault of the law. If a person becomes a glutton and gets sick from

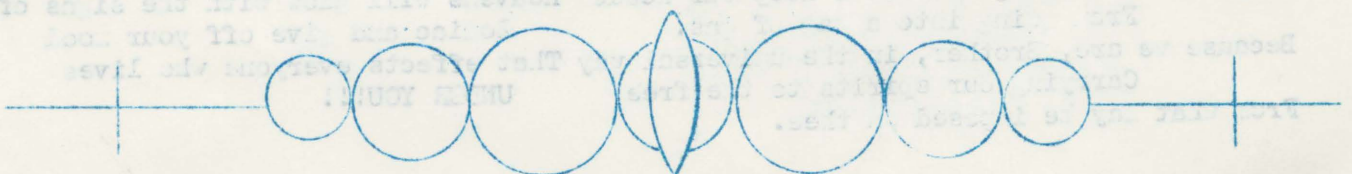
over-eating, it is not the fault of the farmer who grew the food. If, despite good upbringing, a young man leaves home, ignores his father's good counsel and then gets into trouble, it is not the father who is to blame. Then why should the heavenly Father, God, be blamed when mankind commits wrongs? Shouldn't the blame be put where it belongs, on the guilty party?

Also there is something else to consider. If we blame God for such things as starvation from food shortages, whom do we credit for the productive fields and orchards that produce such bountiful crops in many lands? If we blame God for sickness, whom do we credit for the body's marvelous healing systems? If we blame God for city slums, whom do we credit for majestic mountains, clear lakes, delightful flowers, and beautiful trees? Clearly, if we blame God for the world's troubles and then credit Him for the good things of the earth, it is a contradiction. A Loving God would not promote both good and bad at the same time.

To say that God does not exist only makes the problem worst. Believing that this earth and its marvelous forms just happened is to ignore the facts. The fact is that the earth is far better to sustain life than any house, yet every house has an intelligent designer and builder. Then what about this planet with its grander life-sustaining air, land and water? The Bible says logically, "Of course, every house is constructed by someone, but he that constructed all things is God." (Hebrews 3:4) True, some people conclude that because humans do bad things it means that God does not exist. However, this is like saying that because people who live in houses do bad things, then houses have no designers or builders. It would also be like saying that because a person does something wrong, he never had a father.

Who, then, is to blame for the terrible things that have happened to the human family? Much of the blame must rest on people themselves. Human dishonesty and frustration cause crimes. Human pride and selfishness cause wicked marriages, hatreds and racial prejudices. Human error and unconcern cause pollution and filth. Human arrogance and stupidity cause wars; and when entire Nations blindly follow political leaders into those wars, then they must share the blame for the suffering. Hunger and poverty are primarily due to human neglect and greed. Consider: the world now spends well over \$200 Billion each year on armaments. If all of this were properly spent on growing and equally distributing food and eliminating poor housing, think what could be done!

Nor is God to blame for the wrongs committed in the name of religion. For instance, clergymen pray for God's blessings on the wars of their Nations.. Yet often, though on opposite sides, the soldiers killing each other belong to the same religion! God could not be the blame for that, because He condemns what they do; saying, "that those who truly serve Him must Love among themselves." (John 13:34, 35) If they do not have this Love, then God says, "that they are like Cain who originated with the wicked one and slaughtered his brother." (1 John 3:10-12) Killing people in the name of God, whether during inquisitions or in wars, is similar to the ancient practice of sacrificing children to false Gods, a thing that Almighty God says, "He had not commanded and had not come into His heart." (Jeremiah 7:31)



over-eating, it is not the fault of the farmer who grew the food. If, despite good  
NCESSITY: I BY his father's good counsel I WILLIE A. LAPORTE  
this trouble, it is not the father who is to blame. Then why should the heavenly  
Father, God, be blamed when mankind complains? In the blame be put where

it belongs, on the guilty party.  
Where slaves are the majority  
Also there is something to be said for  
blame God for such things as starvation from food shortages, whom do we credit for  
the productive fields and orchards? The seeds for freedom  
If we blame God for sickness, Freedom to enjoy that is ours  
If we blame God for city slums, Freedom to shape our future.  
If we blame God for  
our lakes, beautiful flowers, and beautiful trees? Clearly, if we blame God for  
the world's troubles and then credit the Father of the earth, it is a  
contradiction. A loving God would not have had at the same time.

Marching towards the prison of fantasies  
Where you will serve the magician.  
Believing that this earth and its marvelous life just happened as to a more  
The fact is that the earth is a beautiful life than any house,  
yet every house has an intelligent designer. The time has come  
To demand for future The time has come to wake from our nightmare.  
"Of course, every house is constructed by someone, but he that constructed all  
things is God." (Hebrews 3:4) True, but things it means that God has not  
and things it means that God has not and things it means that God has not  
because people who live in houses do not build. The Yanqui controls us  
It would also be like a man who never had a father. Always with the forces of division.

Latin America: The time has come  
For our liberation  
From those forces that blind us  
And lead us into a world of illusions.  
Recognize your situation  
Do not accept it as eternal  
Defeat your enemies  
Eventually we will win the battle

Let us take what belongs to us  
Let us build for the future  
Let us defeat world imperialism  
By establishing a Collective Social World.

UNIVERSAL WAY BY CHUCK DOSZPOJ HALF MOON BY CHUCK DOSZPOJ  
Your trip is not by clip Half-moon, show me your road  
So let's keep your lip from a skip For soon you will be full and  
And we will live to ether without human Your light will fill the universe  
Trip; for we all are the same With many moods; Love from the  
Body and soul wise; and let's keep our heads Heavens will glow with the signs of  
From going into a bag of gas. Zodiac and give off your mood  
Because we are, Brother, in the universal way That effects everyone who lives  
Carryin' our spirits to the free UNDER YOU!!!  
From what may be imposed on thee.

## ACTIVE LIFE

If an expert, does not have some problem to vex him, he is happy!  
If a philosopher's teaching is never attacked, he pines away!  
If critics have no one whom to exercise their spite, they are unhappy.  
All such men are prisoners in the World of Objects.

He who wants followers, seeks political power.  
He who wants reputation, holds an office.  
The strong man looks for weights to lift.  
The brave man, looks for an emergency in which he can show bravery.  
The swordsman wants a Battle in which he can swing his sword.  
Men experienced in Law, seek difficult cases to extend the application of Laws.  
Liturgists and Musicians like festivals, in which they parade their ceremonious talents.

The benevolent, the dutiful, are always looking for chances to display virtue.  
Where would the gardener be, if there were no more weed?  
What would the Masses be, if there were no pretext for getting jammed together and making noise?  
What would become of Business, without a Market of Fools?  
What would become of Labor, if there were no Superfluous Objects to be made?  
Produce! Get results! Make Money! Make Friends! Make Changes! Or let dreams be fate.  
Those who are caught in the machinery of Power, take no joy, except in activity and Change; the whirring of the machine!  
Whenever an occasion for action presents itself, they are inexorably moved; Like the machine of which they are apart.  
Prisoners in the world of Objects, they have no choice, but to submit to the demands of matter!  
They are pressed down and crushed by external forces, Fashion, the Market, Events, Public Opinion.  
Never in a whole lifetime, do they recover their Right Mind!  
The active life, what a PITY!

## CHANGING TIMES

Deep in the hell-holes of nothingness  
screaming to be heard in this silence  
dark shadows engulf me continuously

Crying out my anguish in the depth of my shame  
self-pity which accomplishes not even a constructive thought  
Dreams which come to be 'Only' spiked Realities  
part truths that kill slowly in Mind & Body.

Standards that build around those 'Who Can'  
reach in to a grab-bag and gull happiness before them  
Yet as time goes on they find happiness 'IS'  
a tear, a smile and the economics "DOLLARS"  
which makes the future more worthwhile to live

Financial security that makes the future comforting  
but however happiness & love are eternal lost 'CAUSE'  
yet is only reached in times of Pain & Anguish  
those refreshed sparks of life - always hidden  
until the Mental & Physical self is exhausted  
from societies standards of insanity to overcome 'US'

SUBMITTED BY: Ronald Walker

POETAS DE ESPAÑOL

CANCION DE LA EDAD MADURA

Yo ame la juventud  
como muy pocos  
creo la amaron nunca...  
yo la ame  
como se ama el objeto de la vida,  
como se ama la razon de ser.

La mire al mirar el sol,  
y las montañas,  
y el cielo azul,  
y el mar azul;  
y al sentirme vivir,  
en una extrana  
mística pantiesta,  
y razon de mi existir...

Vivi amando la vida  
derrochandola al viento,  
y entendiendo por vida juventud.  
Cante al sol...cante al agua,  
a la tierra y al viento...  
No le supe cantar al pensamiento  
ni a la queja doliente del laud.!

En la noches lunadas...yo dormia.  
Me alzaba luego al despuntar el  
dia  
a saludar contado la manana;  
era la alondra, que a la luz des-  
grana  
como un clarin, su fuente de ar-  
monia  
era el torrente que cantando vive,  
era la rama en Mayo, florecida,  
sin pensar en el fruto, ni en el  
leno,  
era la juventud, y los dolores  
se ahogaban en el vino de mi  
ensueno...!

Pero pasan los años...  
se deslizan los días...  
Como a fuerza de besos  
un amor agotado,  
a fuerza de viviria  
se nos gasta la vida.

Y se modere el ritmo  
de nuestros corazones,  
y al volver la cabeza  
miramos recorrida  
la mitad de la senda  
que sonamos eterna...

Y la primera cana  
nos deja pensativas!

Paso la primavera,  
paso el verano ardiente,  
llegamos a tus puertas,  
otono de la vida!

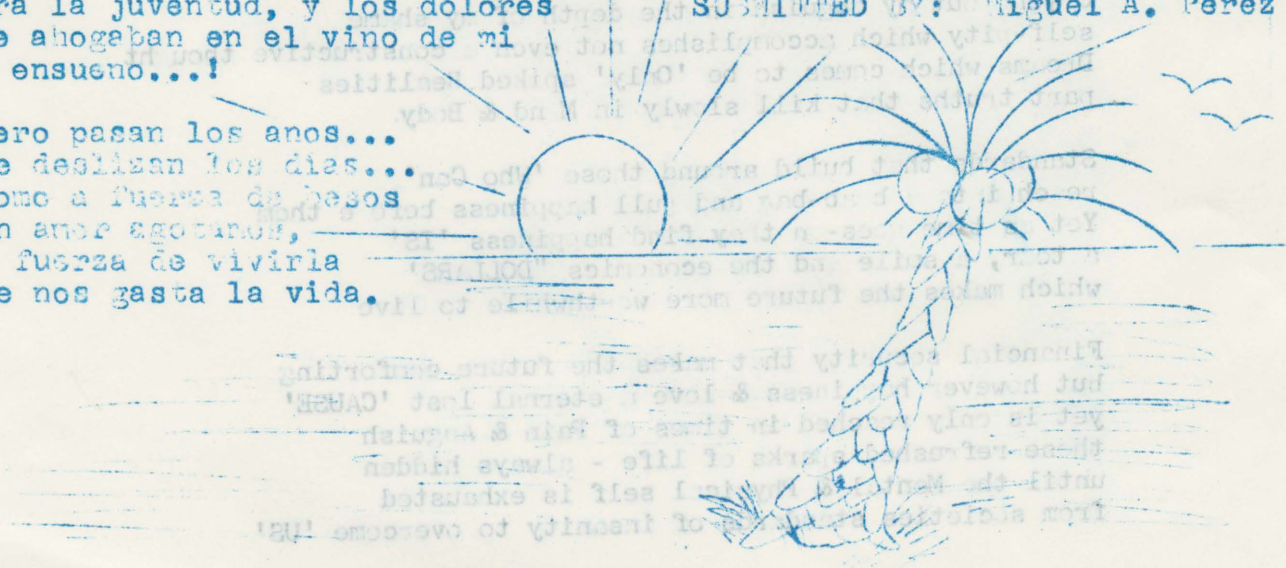
Remansa nuestra sangre  
su fuente tumultuos  
y el reir...No es tan facil  
como fue hasta aquel dia.

Paso la primavera,  
paso el verano ardiente,  
llegamos a tus puertas,  
otono de la vida...!

Sentimos el milagro  
de una ternura nueva,  
pensamos que no vuelve  
la juventud perdida,  
y el sol de los ocasos  
se nos clava en el alma...

Y nos parecen tristes  
todas los despidas...!

POEMA DE: Caridad Bravo Adams  
SUBMITTED BY: Miguel A. Perez



SUBMITTED BY: Ronald Walker



# TALKING PICTURES

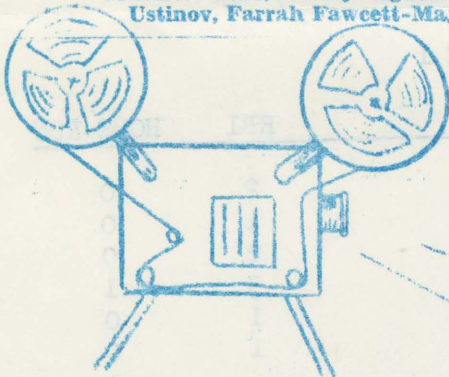


## LOGAN'S RUN

PG Science Fiction  
Drama ©

MGM-United Artists (76083) 120 Minutes Rel. June '76

The future is with us again, the year 2274 to be exact, when man lives only for pleasure and is exterminated at the age of 30. The William F. Nolan-George Clayton Johnson novel has been adapted fancifully by David Zelag Goodman and directed by Michael Anderson on futuristic locations in Texas and at points in California. The miniatures and sets have been further enhanced by Todd-AO and MetroColor with Dolby System Sound and the use of Holograms by the Multiplx Co. With a youthful cast in the leads, including some familiar if not top names, and impish Peter Ustinov as the only elderly survivor of the holocaust which drove civilization into underground cities, the film has much in its favor. Through leniency and error, Michael York (Logan) is forced to flee from the domed city and, accompanied by the charming Jenny Agutter, accomplishes his "run." Ustinov, coming late in the film, lives in the ruins of Washington, D. C., and provides a much-needed light touch. Eroticism is not overlooked and there seems to be a lot of nudity, for a PG; Miss Agutter makes an entrance in a filmy costume and there is a brief Love Shop sequence. Effects in Saul David's production tend to overwhelm the plot, yet audiences should respond favorably. Michael York, Jenny Agutter, Richard Jordan, Peter Ustinov, Farrah Fawcett-Majors, Roscoe Lee Browne.



## A BOY and HIS DOC

R Science-Fiction  
©

LQ/Jaf Productions 87 Minutes Rel. May '75

Harlan Ellison, who is one of today's more controversial science-fiction writers, an intensely personal author whose work either totally involves the reader or turns him off, is credited with the story. Director/scripter L.Q. Jones (veteran of some of Sam Peckinpah's epics) has more than done justice to one of Ellison's more famous cautionary fables, "A Boy and His Dog." One hopes that the R-rating will serve as a guide-post for parents and those easily offended who might be confused by the rather wholesome-sounding title. Alvy Moore produced this tough gutsy tale of survival in post-atomic America where values have changed, disappeared, or gone slightly wacky. Wandering through chaos comes young Don Johnson (Vic) and his cynical telepathic dog Blood (voice by Tim McIntire), who is constantly trying to educate and refine his near-brainless friend. Jones' screenplay concentrates less on the grimness of the situation than on the ironies (people living in the midst of junk; the State of Topeka symbolized by high school bands marching eternally through the dark; killer robots dressed as bumpkin farmers). There is some nudity and profanity, but not enough to worry about. The devastated landscapes are believably eerie and barren. In Technicolor.

Don Johnson, Susanne Benton, Tiger the Dog, Tim McIntire, Charles McGraw, Jason Robards.



SPORT SPORT SPORT SPORT SPORT SPORT SPORT SPORT SPORT

TEAM 5 TRIUMPHS OVER TEAM 1-13 to 11

To the surprise of many and especially to those members of Team 1, Team 5 once again proves to be dominant on the softball diamond. Taking command of the game in the second inning with spectacular playing in the field (a minimum amount of errors) and with superb batting control, Team 5 conveyed the message of a powerful winning team. Definite victory was predicted for team 5 when an error was made by a member of Team 1 and two runs floted across home-plate with ease. From that point it was just a matter of who was up at bat next and how many outs there were. If 13 is the unlucky number, than it is asked if team 5 is aware of that age old superstition??????????

\*\*\*\*\*

GORDON, WEST, & ORTIZ; HOME-RUNS HELP AS TEAM 2 DEFEATS TEAM 1

Gordon smashed in two home-runs and combined with 3 RBI'S lead team 2 to their first victory of the season. Together with West's (Golden Glove) 1 home-run and a RBI, Ortiz's 1 home-run and 3 RBI's, the game was deeply in the clutches of Team 2.

In an attempt to close the gap and end their losing streak, Team 1 managed to get only within two points of Team 2. With Gonzales hitting a home-run and gaining 3 RBI's it was a close affair, but in the seventh inning the score stood at 14 to 12--giving Team 2 its first victory and Team 1 its third straight loss

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TEAM 2				TEAM 1		
PLAYER	RBI	HOME-RUN	*	PLAYER	RBI	HOME-RUN
Sotomayer	2	0	*	Fuentes	2	0
Ritchon	1	0	*	Ortiz	1	0
Gordon	3	2	*	Velasquez	2	0
West	1	1	*	Gonzales	3	1
Ortiz	3	1	*	Martinez	1	0
			*	Melendez	1	0
			*			

\*\*\*\*\*

STANDINGS

TEAM	WINS	LOSS	TIES
Team 1	0	3	0
Team 2	1	1	0
Team 3	1	1	0
Team 4	1	0	0
Team 5	2	0	0

\*\*\*\*\*

Due to Varsity Games and Rain Team 4 vs Team 2 game has been cancelled until further notice.....



TEAM #2 DEALS DEVASTATING BLOW. DEFEATS TEAM #4 - 26 to 2

Home-runs by Blessing, Ritchon, West, Gordon, Andros, Passalacqua, and Graziani backed the victory spark Thursday as Team 2 defeated Team four by a high margin of 26 to 2. Without the necessary power hitters Team 4 was without hope of trying to gain the needed strength to make what would have been the greatest come back in the history of Softball, history will have to go on without that record...With McDonald pitching in the first and a portion of the second innings, Blessing slammed a high arched home-run over the left field fence bringing in 2 runs. Changing pitchers in the second inning Robinson mounted the Pitchers mound with hopes of ending the Team 2 seige. It was to late and Robinson's quest was without hope as home-run after home-run was batted over the outfield fence and RBI's floated over homeplate one after the other.. Team 4 did manage to score two runs, one in the second and the other late in the fifth. But for Team 4, the game had ended when it began....

In a comment made by Clifford Knight of Team 4, he could only say, "..... Can't stop the home-runs, but the sloppy playing is inexcusable, maybe this will wake us up."

TEAM 2			
Player	AB	RBI	HR
Blessing	5	2	2
Ritchon	5	0	1
West	5	2	*2
Gordon	5	*2	4
Andros	5	2	1
Pagan	4	1	0
Daniska	4	1	0
Passalacqua	4	2	1
Graziani	4	0	1

TEAM 4			
Player	AB	RBI	HR
Knight (D)	3	1	0
Kegler	3	0	1

# ????? QUESTION QUIZ ?????

Your job here is to provide the question to each of the answers below. In some instances, actual facts or quotes are involved and in others, just plain fun. No scoring here.

1. "5,280"
2. "Yes, sir, yes, sir, three bags full."
3. "The Cincinnati Reds, in 4 straight"
4. "Doc, Happy, Sneazy, Dopey, Bashful, Grumpy, and Sleepy"
5. "Francis Scott Key"
6. "The egg"
7. "January 20th"
8. "Sacramento"
9. "To keep his trousers up"
10. "Beethoven, Bach, Brahms"
11. "Snips and snails, and puppy-dogs tails"
12. "The 19th Amendment"
13. "The Spirit of St. Louis"
14. "212 degrees"
15. "Archibald Leach"
16. "The Wolverine State"

## PUZZLE PAGE

**Answers To Puzzle**

PENNY MARSHALL

## WORDMASTER UNDERWORLD

Find as many words of four letters or more as you can using the letters in UNDERWORLD. For example: DOWN, ROUND, and WONDER.

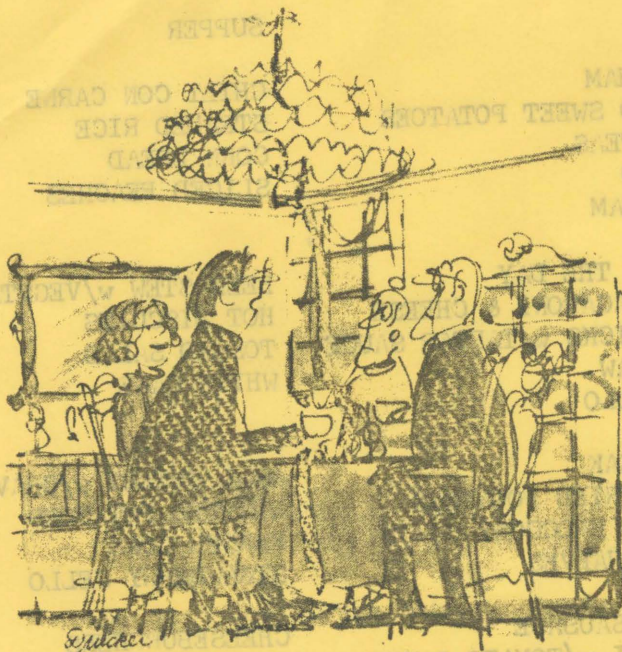
15 and Under-Poor      20-30-Excellent  
15-20-Good      Above 30-Wordmaster

### NOSTALGIA NOTES

1. Tin-Tin-Tin became a television series. What was the name of the boy in that series who was played by Lee Aaker?
2. In the television cartoons, what song did Huckleberry Hound always attempt to sing?
3. Some television roles create public antipathy because they threaten a hero. What was the name of the actor who portrayed Lieutenant Girard in the television series "The Fugitive"?
4. What company sponsored the television show "The \$64,000 Question"?
5. Kermit the Frog appeared regularly on what television show?
6. What was the name of the inept boxer portrayed by Red Skelton?
7. Who, other than Noel Well, played the role of Lois Lane in the television version of "Superman"?
8. What television character had Mr. Green Jeans as an assistant?
9. What actor played the role of Mr. Waverly on the television show "The Man from U.M.C.L.E."?
10. A niece of actress Renette Fabray, she cut a hit song in 1962 at the age of nineteen. Who was this singer, who at one time played Donna Reed's daughter on television?

### ANSWERS

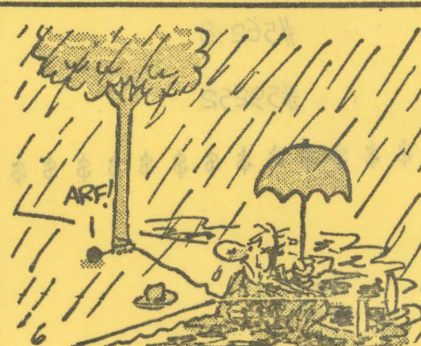
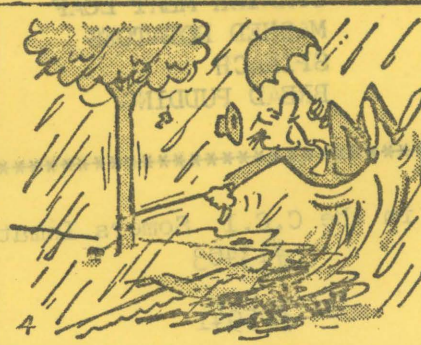
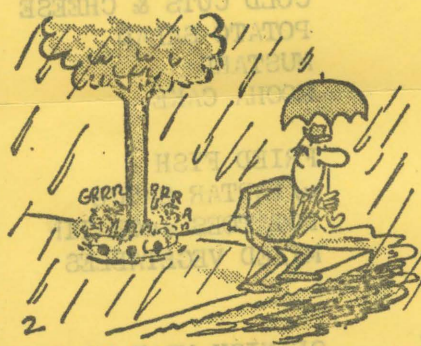
1. Nurdy
2. "Downland"
3. Barry Morse
4. Ray B. Carroll
5. Captain Kangaroo
6. Physics Teacher
7. Goodson-Todman
8. Shirley Frazier (Johnny Angel)
9. "Gardenia Street"
10. Rayon



"Gladys and I do porno movies, grandfather, that's why you've never seen us in anything."



"Donald says the best tune-up for your car is a LONG drive, and he's offered to do it for FREE!"



## 'Thumbs Up' For Finger

Raising the middle finger in a gesture of contempt is offensive, but not obscene, a three-judge state panel ruled Tuesday.

The decision by the Appellate Session of Superior Court cleared a 16-year-old Columbia High School student who made the gesture to a state trooper following his school bus last December.

The trooper charged the boy with making an obscene gesture. The boy, who was not identified because of his age, was fined \$25.

Judge Leo Parskey, who wrote the opinion overturning the conviction, said for the finger gesture to be obscene it must be significantly erotic or arouse sexual interest. Parskey said the practice dates back to ancient Greece when Diogenes, a philosopher, insulted Demosthenes, an orator, with the gesture.

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